

JUN - 2 2016

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**  
**AND ARREST WARRANT**

U.S. DISTRICT COURT  
NORFOLK, VA

I, Christopher O'Donnell, swear and affirm the following to be true:

1. Since May 3, 1992, I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI). I am currently working on the Peninsula Safe Streets Task Force with local and state police officers who have been federally deputized.
2. Your affiant submits this affidavit in support of the issuance of a criminal complaint and arrest warrant for EMMANUEL JACKSON, II (hereinafter JACKSON) for criminal contempt, in violation of Title 18 U.S.C. section 401(3).
3. On Monday, May 23, 2016, at approximately 6 p.m., Special Agent (SA) Ernest Smith of the Virginia State Police (VSP) and I met with JACKSON in the driveway of what was known to be his residence,<sup>1</sup> a single family house located at 13344 Warwick Springs Drive, Newport News, Virginia 23602.
4. While at JACKSON's residence on May 23, 2016, I personally served JACKSON with a trial subpoena that required his appearance on Wednesday, June 1, 2016 at 10:00 a.m. at the United States District Court, located at 600 Granby Street, Norfolk, Virginia. A copy of the subpoena, including the return of service, is attached to this affidavit as Exhibit 1. I physically placed the subpoena in the hands of JACKSON.
5. At the time of service, I advised JACKSON, in the presence of SA Smith, that he (JACKSON) would be required to testify at the upcoming trial scheduled to begin on June 1, 2016. I further advised Jackson that should he fail to appear, pursuant to the subpoena, he

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<sup>1</sup> This residential address for JACKSON was confirmed by EMMANUEL JACKSON's mother. JACKSON's mother met with Special Agent Ernest Smith at this location on the afternoon of Sunday, May 22, 2016, when Agent Smith attempted to serve JACKSON at the residence on that date. Jackson was not home on that date. This address is also listed on JACKSON's current Virginia drivers' license.

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could be arrested for failure to appear. I also left my business card, which included my contact information, with JACKSON.

6. JACKSON initially expressed reluctance to appear at the trial, however, he then reluctantly agreed to comply with the subpoena. I asked JACKSON if he would please meet with an Assistant United States Attorney (AUSA) on Thursday afternoon, May 25, 2016, at the United States Attorney's Office in Newport News, in preparation for trial. JACKSON specifically requested the meeting be held at 5:30 p.m. on that date.

7. On the date of the scheduled meeting, a few hours ahead of the scheduled time, I called a telephone number associated with JACKSON (i.e., 757-833-0472)<sup>2</sup> and left a voice mail for JACKSON reminding JACKSON of the scheduled meeting later that day. I received no response to the message.

8. On the afternoon of Thursday, May 25, 2016, JACKSON failed to appear at the meeting with AUSA. I again called the telephone number I had for JACKSON. I left another voice mail message advising JACKSON that the AUSA and I were waiting for him at the U.S. Attorney's Office for our scheduled meeting. I requested that JACKSON call me. JACKSON did not return the call. The AUSA and I waited a half hour for JACKSON but he failed to appear.

9. On Friday, May 27, 2016, Detective Erik Kempf of the Newport News Police Department told me that he spoke on the telephone that morning with JACKSON's sister, Tiffany Jackson, about JACKSON's failure to keep his appointment with the AUSA the evening before. Detective Kempf told me that Tiffany Jackson informed him (Detective

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<sup>2</sup> JACKSON telephoned Newport News Detective Erik Kempf, who is working with the Peninsula Safe Streets Task Force, from that number on or about May 12, 2016. The call was in apparent response to the efforts made by agents to serve him with his trial subpoena.

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Kempf) that JACKSON said he would not appear to testify at the upcoming trial, despite the subpoena that I served upon him.

10. On Wednesday, June 1, 2016 at 10 a.m., the time and date designated for JACKSON's appearance at the U.S. District Court pursuant to the trial subpoena, JACKSON failed to appear.

11. Your affiant again called the telephone number associated with JACKSON. Your affiant left a voice mail message requesting that JACKSON immediately contact the affiant to explain his failure to appear. Your affiant did not receive a response to the message.

12. JACKSON was not excused from appearance by the court or by any government agent or attorney.

13. See next page *CO*  
*RJK*

*Christopher O'Donnell*  
Christopher O'Donnell - FBI

Reviewed and approved:

*Matthew K. Hoff*  
Matthew K. Hoff  
Special Assistant United States Attorney

SWORN AND SUBSCRIBED before me this 2<sup>nd</sup> day of June, 2016.

*Robert J. Krask*  
United States Magistrate Judge Robert J. Krask  
Eastern District of Virginia  
At Norfolk, Virginia.



13. On June 1, 2016 at or soon after 8pm, JACKSON returned my call by leaving me a voice mail message. In the message he indicated he was unaware he was supposed to appear and advised that he was willing to appear but that he would not testify. I returned the call at about 11:40am on June 2nd and reached JACKSON's voice mail. I advised JACKSON that he needed to appear at the Norfolk federal court house by 1pm today or I would seek an Arrest Warrant for him. He did not appear as directed.

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AO 89 (Rev. 01/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America )

v. )

Case No. 4:14cr59

Eric Pridgen et al )

Defendant )

## SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Emmanuel Jackson

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance:	Courtroom No.:
UNITED STATES DISTRICT COURT	Date and Time: June 1, 2016
600 Granby Street	10:00 a.m.
Norfolk, Virginia 23510	

You must also bring with you the following documents, electronically stored information, or objects see attachment (*blank if not applicable*):

Date: 5/4/2016

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party)

, who requests this subpoena, are:

HOWARD J. ZLOTNICK, AUSA  
Office of the United States Attorney  
Fountain Plaza Three  
721 Lakefront Commons, Suite 300  
Newport News, Virginia 23606 (757) 591-4000

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AO 89 (Rev. 01/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case (Page 2)

Case No. 4:14cr59

## PROOF OF SERVICE

This summons for (name of individual and title, if any) Emmanuel Jackson  
 was received by me on (date) 5/23/2016.

I personally served the summons on the individual at (place) Newport News, VA  
 on (date) 5/23/2016; or

I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other  
 (specify): \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ \_\_\_\_\_  
 My fees are \$ \_\_\_\_\_ for travel and \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: 05-27-2016

Christopher O'Donnell  
 Server's signature

Christopher O'Donnell, Special Agent  
 Printed name and title  
FBI 11827 Canon Blvd., Suite 300  
Newport News, VA  
 Server's address

Additional information regarding attempted service, etc:

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